IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 17698 of 2007(F)

PETITIONER:

K.ASHRAF, S/O. MUHAMMED,
KUNIMMEL HOUSE, ARRAPATTA N.C., P.O.MEPPADI,
WAYANAD DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SMT.CELINE JOSEPH

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
WAYANAD, REP. BY ITS SECRETARY.

2. M.PADAMCHANDLALWANI,
FINANCIER, NO.4/5, THOLASINGAM STREET,
SAWCARPET, MADRAS-600 079.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.17698/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE PERMIT DTD 14.6.2001 ISSUED TO THE PETITIONER BY R1.

EXT.P2 COPY OF THE REGISTRATION CERTIFICATE OF MINI LORRY BEARING NO.KL.10/D.297.

EXT.P3 COPY OF THE RECEIPT DTD 24.2.03 ISSUED TO THE PETITIONER.

EXT.P4 COPY OF THE NOTARISED AFFIDAVIT AND APPLICATON FOR A DUPLICATE COPY.

EXT.P5 COPY ORF THE LAWYER NOTICE DTD 3.52007 SENT BY THE PETITIONER'S COUNSEL TO R2.

EXT.P6 COPY OF THE REQUEST DTD 17.5.07 AND DECLARATION FORM 35.

EXT.P7 COPY OF THE RECEIPT DTD 30.5.07 ISSUED TO THE PETITIONER.

EXT.P8 COPY OF THE JUDGMENT DTD 6.2.06 IN WPC 35092/05 OF THIS COURT.

/TRUE COPY.

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ANTONY DOMINIC,J.

W.P.(C).NO.17698 OF 2007 -F

Dated this the 3rd day October, 2007.

JUDGMENT

The prayer made in this writ petition is to direct the 1st respondent to renew the goods carriage permit of petitioner's mini lorry KL.10/D.297. It is submitted that the vehicle was under hire purchase from the 2nd respondent and that, by paying the entire dues, hire purchase has been terminated. However, termination letter issued by the 2nd respondent was lost from the possession of the petitioner. It is also stated that in spite of various requests, the 2nd respondent did not issue a fresh certificate for making necessary entires in the R.C.Book. Finally, the petitioner approached the 1st respondent and submitted Ext.P6 representation requesting the 1st respondent to issue notice to the 2nd respondent and make necessary endorsement in the R.C.Book regarding termination of the hire purchase. Since there was no action on the part of the 1st respondent, this writ petition has been filed.

2. Although notice has been issued to the 2nd respondent, there is no appearance on his behalf. In so far as the 1st respondent is

concerned, the counter affidavit states that, in the absence of NOC from the 2nd respondent, the matter could not be given a finality. It is also stated that the petitioner had not made a proper application.

3. In the nature of the submissions made by the petitioner that despite various requests, the 2nd respondent is refusing to issue NOC, the proper course open is to direct the 1st respondent to take up Ext.P6 for consideration, issue notice to the 2nd respondent and take a final decision in the matter. This, the 1st respondent shall do within eight weeks from the date of receipt of a copy of this judgment.

The writ petition is dispose of as above.

ANTONY DOMINIC, JUDGE.

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